THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18593 of 2005

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Dated 23.08.2005

Between:

Bodicherla Siva Prasad, S/o.Koteswara Rao,

Aged about 32 years, R/o. H.No.1-224, Ranipeta,

Venkatagiri Town, Nellore District. …. Petitioner

AND

1. The Revenue Divisional Officer, Tirupathi,

Chittoor District and two others. …. Respondents

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O R D E R :

This writ petition is filed seeking a direction in the nature of writ of mandamus, declaring the action of the respondents in not allowing the petitioner from enjoying the land of an extent of Ac.2.00 in Survey No.266-1, situated at Inagaluru village of

Srikalahasti Mandal, Nellore District as illegal.

The case of the petitioner is that the then Tahsildar, Srikalahasti had granted D.Form patta on 28.11.1983 under D.K.T.No.188/4/83 in favour of his grand father Bodicherla Papaiah in respect of the land in S.No.266-1, in an extent of Acs.2.00 of Inagaluru Village, Srikalahasti Mandal, Nellore District. After the death of his grand father, the patta was transferred in his favour and since then, he has been in peaceful and uninterrupted possession over the said assigned land. Subsequently, respondents 1 and 2 issued pattadar pass book and title deed in his favour. While so, the 3rd respondent by claiming right over the said land is trying to interfere with the land in question. Hence, the writ petition.

The learned Counsel for the petitioner contends that the pattadar pass book and title deed are in his favour and the respondents have no manner of right to interfere with the land in question.

On the other hand, the learned Government Pleader for the respondents 1 and 2 vehemently contended that apprehending that the respondents would interfere with the peaceful possession and enjoyment of the petitioner over the said land without following due process of law, the petitioner filed this writ petition. He further contends that mere apprehension cannot be taken as a ground to sustain the claim of the petitioner.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it appropriate to dispose of the writ petition at the admission stage itself directing the respondents not to interfere with the

possession and enjoyment of the petitioner over the said land. However, the respondents are directed to follow due process of law if they propose to contemplate any action in respect of the land in question.

In the result, the writ petition is accordingly disposed of at the admission stage. No costs.

AUGUST 23rd,2005. ---------- ----------

Bud ELIPE DHARMA RAO , J.